

Exhibit A

From: [Peggy Little](#)
To: [Deutsch, Elizabeth B.](#); [Sverdlov, Alexander V.](#); [Andrew Morris](#); [Ehrlich, Stephen \(CIV\)](#); [Gershengorn, Ian Heath](#); [Boyle, Gregory M.](#); [Unikowsky, Adam G.](#)
Cc: [Andy Stephens](#)
Subject: [EXTERNAL] RE: Davidson v Gensler: request for consent to exceed page limits
Date: Thursday, August 29, 2024 4:58:37 PM
Attachments: [image001.png](#)
[image002.png](#)

Counsel,

We agree that it makes sense to confer and agree upon page limits without involving the judge in such disputes.

Your calculations of the appropriate page lengths do not withstand analysis. Both SEC and CAT LLC are including in the 111 pages significant briefing that was responsive to arguments advanced by only one of the defendants—just as an example, CAT LLC’s state action and specific personal jurisdiction, relief defendant and other briefing that is specific only to CAT took up over 30 pages. Likewise, the appropriations laws violations and agency authority under the ’34 Act, major question, constitutional and other government entity arguments and appellate review model arguments against the government took up nearly 70 pages of our brief.

For both defendants to double-count such arguments and then each demand that both defendant get ½ the doubled-up page numbers on a reply brief is neither reasonable nor is such an argument likely to persuade the judge.

We think our offer of a 35 page reply was more than reasonable. We are willing to agree to a 45 page limit.

And please stop demanding answers by the end of the day. Neither Andy nor my schedule permitted us to respond within those unreasonable time limits.

We look forward to hearing from you.

Peggy



Margaret A. Little*
Senior Litigation Counsel
[New Civil Liberties Alliance](#)
202.869.5212
peggy.little@ncla.legal

*Not licensed in Virginia; admitted to practice in Connecticut, D.C., and select federal jurisdictions

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We’ve moved! Our new address is:
4250 N. Fairfax Drive, Suite 300, Arlington, VA 22203

From: Deutsch, Elizabeth B. <EDeutsch@jenner.com>

Sent: Thursday, August 29, 2024 3:41 PM

To: Sverdlov, Alexander V. <Alexander.V.Sverdlov@usdoj.gov>; Andrew Morris <Andrew.morris@ncla.legal>; Ehrlich, Stephen (CIV) <Stephen.Ehrlich@usdoj.gov>; Gershengorn, Ian Heath <IGershengorn@jenner.com>; Boyle, Gregory M. <GBoyle@jenner.com>; Unikowsky, Adam G. <AUnikowsky@jenner.com>; Peggy Little <peggy.little@ncla.legal>

Subject: Re: Davidson v Gensler: request for consent to exceed page limits

Hi Andy,

CAT LLC continues to make the same request in light of Aleks's points below. We would appreciate your position on this ask.

Best,

Liz

From: Sverdlov, Alexander V. <Alexander.V.Sverdlov@usdoj.gov>

Date: Thursday, August 29, 2024 at 3:39 PM

To: Andrew Morris <Andrew.morris@ncla.legal>, Deutsch, Elizabeth B. <EDeutsch@jenner.com>, Ehrlich, Stephen (CIV) <Stephen.Ehrlich@usdoj.gov>, Gershengorn, Ian Heath <IGershengorn@jenner.com>, Boyle, Gregory M. <GBoyle@jenner.com>, Unikowsky, Adam G. <AUnikowsky@jenner.com>, Peggy Little <peggy.little@ncla.legal>

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Hi Andy,

It sounds like we're on the same page about the benefits of reaching an agreement. That said, we don't see the logic of the 35-page limit you propose. The local rules contemplate that replies should be half the length of the response brief (10 pages on reply compared to 20 for a response). You submitted a 122-page brief of which you designated the first 111 pages as responding to the motion to dismiss arguments. The 55 pages we request is exactly half of that—and reflects the need to address the various issues you brief at length. We understand your desire to not burden the court with over-length briefs, but we cannot agree to carry out this goal by asymmetrically burdening the government

defendants.

I can't speak for whether CAT LLC can agree to a 35-page limit, but we cannot. Accordingly, we would again ask that you consent to the 55-pages we requested in exchange for us withdrawing our opposition to your motion for leave; otherwise, we will likely have to have the court resolve all the motions as contested, which seems unnecessary at this stage.

Please let me know by COB today your position; if we don't hear from you by then we'll file our request as an opposed motion.

Best,
Aleks

Alexander Sverdlov

Trial Attorney | Federal Programs Branch
Civil Division | U.S. Department of Justice
P.O. Box 883
Washington, DC 20044
Phone: (202) 305-8550

From: Andrew Morris <Andrew.morris@ncla.legal>

Sent: Thursday, August 29, 2024 3:03 PM

To: Deutsch, Elizabeth B. <EDeutsch@jenner.com>; Sverdlov, Alexander V. <Alexander.V.Sverdlov@usdoj.gov>; Ehrlich, Stephen (CIV) <Stephen.Ehrlich@usdoj.gov>; Gershengorn, Ian Heath <IGershengorn@jenner.com>; Boyle, Gregory M. <GBoyle@jenner.com>; Unikowsky, Adam G. <AUnikowsky@jenner.com>; Peggy Little <peggy.little@ncla.legal>

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Aleks and Liz:

We agree that it makes sense to resolve this topic without involving Judge Albright. Because the filings will be replies in support of the Defendants' Motions to Dismiss (see Order of 6-10-24), we propose to agree on 35-page replies (25 add'l pages each, and a total of 70 pages), assuming the Defendants would withdraw their opposition to Plaintiffs' requested page extension for our last submission.

Regards,
Andy

From: Deutsch, Elizabeth B. <EDeutsch@jenner.com>

Sent: Thursday, August 29, 2024 12:41 PM

To: Andrew Morris <Andrew.morris@ncla.legal>; Sverdlov, Alexander V. <Alexander.V.Sverdlov@usdoj.gov>; Ehrlich, Stephen (CIV) <Stephen.Ehrlich@usdoj.gov>; Gershengorn, Ian Heath <IGershengorn@jenner.com>; Boyle, Gregory M. <GBoyle@jenner.com>;

Unikowsky, Adam G. <AUnikowsky@jenner.com>; Peggy Little <peggy.little@ncla.legal>

Subject: Re: Davidson v Gensler: request for consent to exceed page limits

Andy,

CAT LLC has the same request regarding its reply brief length. Can you please let us know your clients' position?

Best,

Liz

Elizabeth B. Deutsch

Jenner & Block LLP

1099 New York Avenue, NW

Suite 900

Washington, DC 20001-4412 | jenner.com

+1 202 639 6031 | Tel

+1 202 639 6031 | Mobile

EDeutsch@jenner.com

[Download V-Card](#) | [View Biography](#)

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From: Andrew Morris <Andrew.morris@ncla.legal>

Date: Wednesday, August 28, 2024 at 7:26 PM

To: Sverdlov, Alexander V. <Alexander.V.Sverdlov@usdoj.gov>, Ehrlich, Stephen (CIV) <Stephen.Ehrlich@usdoj.gov>, Deutsch, Elizabeth B. <EDeutsch@jenner.com>, Gershengorn, Ian Heath <IGershengorn@jenner.com>, Boyle, Gregory M. <GBoyle@jenner.com>, Unikowsky, Adam G. <AUnikowsky@jenner.com>, Peggy Little <peggy.little@ncla.legal>

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Aleks-

We'll get back to you tomorrow.

Regards

Andy

From: Sverdlov, Alexander V. <Alexander.V.Sverdlov@usdoj.gov>
Sent: Wednesday, August 28, 2024 1:25 PM
To: Andrew Morris <Andrew.morris@ncla.legal>; Ehrlich, Stephen (CIV) <Stephen.Ehrlich@usdoj.gov>; edeutsch@jenner.com; Gershengorn, Ian Heath <igershengorn@jenner.com>; Boyle, Gregory M. <GBoyle@jenner.com>; Unikowsky, Adam G. <aunikowsky@jenner.com>; Peggy Little <peggy.little@ncla.legal>
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Peggy, Andy:

While the Court has not yet resolved Plaintiffs' motion for excess pages, the SEC Defendants intend to request a 45-page extension (for a total brief of 55 pages) to address the many issues raised in Plaintiffs' current submission. Please let us know whether you consent to this request. If so, the SEC Defendants would be willing to withdraw their opposition to your requested page extension to simplify the administrative burden on the Court.

We would like to get our motion on file no later than tomorrow; accordingly, please let us know your position by the end of the day.

Best,
Aleks

Alexander Sverdlov

Trial Attorney | Federal Programs Branch
Civil Division | U.S. Department of Justice
P.O. Box 883
Washington, DC 20044
Phone: (202) 305-8550

From: Andrew Morris <Andrew.morris@ncla.legal>
Sent: Thursday, August 15, 2024 11:52 AM
To: Ehrlich, Stephen (CIV) <Stephen.Ehrlich@usdoj.gov>; Sverdlov, Alexander V. <Alexander.V.Sverdlov@usdoj.gov>; edeutsch@jenner.com; Gershengorn, Ian Heath <igershengorn@jenner.com>; Boyle, Gregory M. <GBoyle@jenner.com>; Unikowsky, Adam G. <aunikowsky@jenner.com>
Cc: Peggy Little <peggy.little@ncla.legal>
Subject: [EXTERNAL] Davidson v Gensler: request for consent to exceed page limits

Counsel:

I am emailing to request your clients' consent to filing "Plaintiffs Response To Defendants' Motions To Dismiss And Reply Brief In Support Of Plaintiffs' Motion For A Preliminary Injunction" in excess of local-rules page limits. This submission responds to two filings that total 112 pages, and Plaintiffs request consent to file a submission of up to 128 pages. Please let me know if your clients consent. Thank you.

Regards,
Andy



Andrew J. Morris

Senior Counsel

New Civil Liberties Alliance

1225 19th Street NW, Suite 450

Washington, DC 20036

Cell (202) 492-5098

Office (202) 908-6201

Andrew.Morris@ncla.legal

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Website: www.ncla.legal.org